

## HUMAN SERVICES DEPARTMENT[441]

### Adopted and Filed

#### Rule making related to five-year rules review

The Human Services Department hereby amends Chapter 84, “Early and Periodic Screening, Diagnosis, and Treatment,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 249A.4.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 249A.4.

#### *Purpose and Summary*

Chapter 84 was reviewed as part of the Department’s five-year rules review. Chapter 84 defines the early and periodic screening, diagnosis, and treatment (EPSDT) services provided under the Medicaid program to eligible children under the age of 21. This rules review resulted in technical changes. References to federal regulations are updated to provide accurate listings. Outdated references are removed.

#### *Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on October 5, 2022, as **ARC 6588C**. No public comments were received. No changes from the Notice have been made.

#### *Adoption of Rule Making*

This rule making was adopted by the Council on Human Services on December 8, 2022.

#### *Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

#### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

#### *Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

#### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making will become effective on February 1, 2023.

The following rule-making actions are adopted:

ITEM 1. Amend ~~441—~~**Chapter 84**, preamble, as follows:

PREAMBLE

This chapter defines and structures the early and periodic screening, diagnosis and treatment services provided under the Medicaid program to eligible children under the age of 21. As further described in these rules, services include physical and mental health screenings (including hearing and vision), laboratory tests, immunizations, and health education. Services are provided in compliance with federal regulations at Title 42, Part 441, Subpart B, as amended to ~~November 16, 1984~~ March 29, 2022.

ITEM 2. Amend subrule 84.3(4) as follows:

**84.3(4)** Health education including anticipatory guidance. ~~See 441—subparagraph 78.18(6) “b”(1) for a description of the information services.~~ Services are provided in compliance with federal regulations at Title 42, Part 441, Subpart B, as amended to March 29, 2022.

ITEM 3. Amend subrule 84.4(1) as follows:

**84.4(1)** The availability of early and periodic screening shall be discussed with the payee for any Medicaid-eligible child under the age of 21 at the time of application and periodically thereafter in compliance with federal regulations at Title 42, Part 441, Subpart B, as amended to ~~November 16, 1984~~ March 29, 2022.

[Filed 12/8/22, effective 2/1/23]

[Published 12/28/22]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 12/28/22.